

CHAPTER 101  
GENERAL REQUIREMENTS RELATING TO  
SOLID WASTE MANAGEMENT AND DISPOSAL

[Prior to 7/1/83, DEQ Ch 26]

[Prior to 12/3/86, Water, Air and Waste Management [900]]

**567—101.1(455B,455D) Compliance.** All solid waste shall be stored, collected, transported, utilized, processed, reclaimed or disposed of in a manner consistent with requirements of 567—Chapters 100 to 129.

This rule is intended to implement Iowa Code section 455B.304 and chapter 455D.

**567—101.2(455B) Variances.** The director may issue, modify, or deny variances from the rules in this title. The applicant may appeal the decision of the director to the commission.

This rule is intended to implement Iowa Code section 455B.303.

**567—101.3(455B) General conditions of solid waste disposal.** Except as provided otherwise in 567—Chapters 100 to 121, a private or public agency shall not dump or deposit or permit the dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the director, or pursuant to a permit granted by the department which allows the disposal of solid waste on land owned or leased by the agency.

**101.3(1)** Special requirements for farm waste, farm buildings, and dead animals. For the purposes of this subrule:

*“Farm animals”* means cattle, swine, sheep or lambs, horses, turkeys, chickens and other domestic animals;

*“Farm buildings”* means barns, machine sheds, storage cribs, animal confinement buildings, and homes located on the premises and used in conjunction with crop production, livestock or poultry raising and feeding operations; and

*“Farm waste”* means machinery, vehicles and equipment used in conjunction with crop production, livestock or poultry raising and feeding operations, trees, brush and grubbed stumps generated on the same property, or the ashes from the burning thereof, but specifically does not include agricultural chemicals, fertilizers or manures, or domestic household wastes.

a. A private agency may dispose of farm waste and farm buildings without first having obtained a sanitary disposal project permit, in accordance with paragraph 101.3(1)“c,” provided that:

(1) The farm waste was owned by the private agency and was used on the premises where disposal occurs.

(2) Prior to disposal of vehicles, machinery, and equipment, all fluids shall be drained, including motor oils, motor fuels, lubricating fluids, coolants and solvents, and agricultural chemicals; and all batteries and rubber tires shall be removed.

(3) Prior to disposal of storage or feeding equipment, the equipment shall be emptied of all contents not otherwise authorized for burial pursuant to these rules.

(4) Farm buildings have been emptied of contents not otherwise authorized for burial pursuant to these rules and have been buried on the premises where they were located.

(5) All materials drained or removed from farm waste or farm buildings prior to disposal shall be recycled, reused or disposed of in accordance with Iowa Code chapter 455B and rules implementing that chapter.

(6) The farm waste and farm buildings are buried in soils listed in tables contained in the county soil surveys and soil interpretation records (published by the U.S. Soil Conservation Service) as being moderately well drained, well drained, somewhat excessively drained, and excessively drained soils. Other soils may be used if artificial drainage is installed to obtain a water level depth more than 2 feet below the burial depth of the waste.

(7) The lowest elevation of the burial pit is 6 feet or less below the surface.

(8) The farm waste and farm buildings are immediately covered with a minimum of 6 inches of soil and finally covered with a total minimum of 24 inches of soil.

b. A private agency may dispose of dead farm animals without first having obtained a sanitary disposal project permit, provided that the disposal is in accordance with paragraph 101.3(1)“c,” rules of the department of agriculture and land stewardship, and

(1) The dead animals result from operations located on the premises where disposal occurs.

(2) A maximum loading rate of 7 slaughter and feeder cattle, 44 swine, butcher and breeding, 73 sheep or lambs or 400 poultry carcasses on any given acre per year. All other species will be limited to 2 carcasses per acre. Animals which die within two months of birth may be buried without regard to number.

(3) The dead animals are buried in soils listed in tables contained in the county soil surveys and soil interpretation records (published by the U.S. Soil Conservation Service) as being moderately well drained, well drained, somewhat excessively drained, and excessively drained soils. Other soils may be used if artificial drainage is installed to obtain a water level depth more than 2 feet below the burial depth of carcasses.

(4) The lowest elevation of the burial pit is 6 feet or less below the surface.

(5) The dead animals are immediately covered with a minimum of 6 inches of soil and finally covered with a minimum of 30 inches of soil.

c. Farm waste, farm buildings, and dead farm animals must be disposed of in accordance with the following separation distances:

(1) At least 100 feet from any private and 200 feet from any public well which is being used or would be used without major renovation for domestic purposes.

(2) At least 50 feet from adjacent property line.

(3) At least 500 feet from existing neighboring residence.

(4) More than 100 feet from any body of surface water such as a stream, lake, pond, or intermittent stream, except as provided in (6) below.

(5) Outside the boundaries of a floodplain, wetland, or shoreline area, except as provided in (6) below.

(6) Trees, brush and grubbed stumps generated as a result of clearing, snagging, maintenance or repair of drainage ditches or outlets may be buried within 100 feet of a surface water, and within a floodplain or shoreline area.

#### **101.3(2) Reserved.**

This rule is intended to implement Iowa Code section 455B.304.

**567—101.4(455B,455D) Duties of cities and counties.** Every city and county of this state shall provide for the establishment and operation of a comprehensive solid waste reduction program consistent with the waste management hierarchy under 101.5(5)“a” and a sanitary disposal project for final disposal of solid waste by its residents. Comprehensive programs and sanitary disposal projects may be established separately or through cooperative efforts, including Iowa Code chapter 28E agreements and interstate efforts, for the joint use of participating public agencies as provided by law.

All cities and counties or Iowa Code chapter 28E agencies representing cities and counties shall file with the director a comprehensive plan detailing the method by which the city or county or 28E agency will comply with the requirements to establish and implement a comprehensive solid waste reduction program for its residents. If the city or county or 28E agency does not participate in the preparation of a regional comprehensive plan, then the city or county or 28E agency must file a comprehensive plan separately.

If a city or county facility refuses any particular solid waste type, with the exception of special waste authorizations, it must identify another waste management facility for that waste within that planning

area. If no other waste management facility for the waste type exists within the planning area, the city or county must establish one or arrange by contract to establish access to one.

This rule is intended to implement Iowa Code section 455B.304 and Iowa Code chapter 455D.

**567—101.5(455B,455D) Comprehensive plans.** Cities, counties and private agencies operating or planning to operate a sanitary disposal project after July 1, 1988, shall, in conjunction with all local governments using the sanitary disposal project, file a comprehensive plan with the director either prior to or at the time of application for issuance, renewal or reissuance of a sanitary disposal project permit. At a minimum, the plan shall be updated and refiled with the department at the time of each subsequent application for issuance, renewal, or reissuance of a sanitary disposal project permit. The department may require filing and updating a plan at other times. The department shall act to coordinate and expedite planning activities for multicounty areas where feasible. The general requirements and schedule for updating subsequent plans shall be submitted according to subrule 101.5(7).

**101.5(1) Comprehensive planning purpose.** The purpose of a comprehensive plan submitted according to subrules 101.5(2), 101.5(5), 101.5(6), and 101.5(7) is the development of a specific plan and schedule for implementing technically and economically feasible solid waste management methods that will prevent or minimize adverse environmental impacts.

**101.5(2) State volume reduction and recycling goals.** The goal of the comprehensive plan of each planning area of the state is to reduce the amount of materials in the waste stream, existing as of July 1, 1988, 25 percent by July 1, 1994, and 50 percent by July 1, 2000, through the practice of waste volume reduction at the source and through recycling. If at any time the department determines that a planning area has failed to meet the 25 percent waste volume reduction and recycling goal, the planning area shall, at a minimum, implement the solid waste management techniques listed in Iowa Code subsection 455D.3(4) and subrule 101.5(8).

**101.5(3) Evidence of cooperation.** When a comprehensive plan is submitted to the department, it must be accompanied by a letter or letters from all local governments using or planning to use the sanitary disposal project. The letter shall include a statement that the governmental body has reviewed the plan and will adopt the implementation plan and schedule contained in the plan. The letter shall briefly summarize the implementation plan and schedule.

If a local government included in the planning area refuses to provide a letter, then that local government must prepare its own plan and is no longer considered to be in the original planning area. In such cases, the original plan may still be approved, but it must include a brief addendum stating the effect of the change on the waste stream.

**101.5(4) Content of a comprehensive plan.** In fulfillment of the requirements of Iowa Code sections 455B.306(3), 455B.301A, and Iowa Code chapter 455D, a comprehensive plan or revision to a comprehensive plan shall include the following information:

*a.* A description of the planning area and the public and private agencies involved, including a description of each agency's role in managing solid waste generated in the area. Prior to waste being received from, disposed of, or otherwise managed on an ongoing basis outside of the delineated planning area, an amendment to the plan is required before the waste may be managed. All out-of-state localities that use permitted facilities in any Iowa planning area are subject to the same comprehensive planning rules (Chapter 101) as Iowa localities;

*b.* A description of past local and regional planning activities;

*c.* A report of the waste stream as of July 1, 1988, in total tons per year and in per capita tons per year. The information may be based on tonnage figures as reported in surcharge tax reports, plus any incinerated waste. This baseline data will be used to demonstrate progress toward meeting the state volume reduction and recycling goals pursuant to subrule 101.5(2). Changes in population, employment, or industrial production shall not be used to demonstrate progress or to justify lack of progress toward meeting state volume reduction and recycling goals. Any such changes shall be documented in the plan;

d. A description of the current and projected 20-year waste composition and waste generation rates, including a listing of industrial and commercial generators in the area;

e. A description of the existing waste management system, its capacity, disposal costs per ton, projected 20-year disposal costs, and any financial assurance that may be required by the department, pursuant to Iowa Code section 455B.304;

f. An analysis of alternative waste management systems according to the state's waste management hierarchy;

g. A description of the proposed waste management system for the planning area based upon the results of the alternatives analysis;

h. A specific plan and schedule for fully implementing the comprehensive plan no later than July 1, 1997; and

i. A description of the methods of financing to be used.

A guidance document describing in more detail the content of a comprehensive plan, part I, is available from the records center of the department at (515)281-8860. The document title is "Guidelines for Solid Waste Comprehensive Plans, Part I: Solid Waste Management Alternatives," September 1990, as revised (October 15, 1992).

**101.5(5) Alternatives analysis.**

a. Alternative solid waste management systems shall be evaluated according to the following waste management hierarchy, listed in descending order of preference:

- (1) Volume reduction at the source,
- (2) Recycling and reuse,
- (3) Combustion with energy recovery,
- (4) Combustion for volume reduction,
- (5) Landfilling.

b. A complete analysis of alternatives shall include at a minimum:

(1) A detailed description of a public participation and education program for source reduction and recycling by residences, farms, businesses, and industries. The waste management authority division of the Iowa department of natural resources may be contacted for assistance with public education strategies and materials. The public education program must address, at a minimum, household hazardous materials, tires, motor oil, lead-acid batteries, backyard composting, and methods of materials separation and recycling. Public education strategies, estimated costs, and materials must be described fully in the plan. Strategies must include, but not be limited to, public meetings during the planning and implementation stages and other forms of information dissemination, such as workshops and advertisements. Timelines and a budget for public education activities must be included in the plan.

(2) Details of a local recycling program which shall contain a specific methodology for meeting the state volume reduction and recycling goals pursuant to subrule 101.5(2) and a methodology for implementing a program of separation of wastes including, but not limited to, glass, plastic, paper, and metal. The methodologies must include, but not be limited to:

1. Public education strategies;
2. Public education materials;
3. A specific description of recycling activities already in place, including the names of groups conducting the activities;
4. The names of any local groups that will be involved in any recycling programs in the planning area;
5. Letters from those local groups stating the nature of their present or planned involvement in the recycling program(s) described in the plan;
6. Identification of possible markets and estimated prices for each material including, but not limited to, glass, plastic, paper, and metal;
7. A detailed timeline which identifies yearly waste reduction and recycling goals and milestones for each phase of the program(s): planning, implementation, and evaluation.

(3) An examination of the following waste items for their existing and potential recyclability, including an identification of available markets: motor oil, waste tires, lead-acid batteries, household batteries, plastics, newspapers, corrugated cardboard, textiles, office paper, construction materials, aluminum and steel cans, colored and clear glass, yard waste, animal wastes and other organic wastes, and white goods.

1. For motor oil, the examination shall also include:

- Specific locations of collection sites in the planning area for those who change their own oil. If no sites exist within the planning area, the plan must identify the nearest collection site(s) to the planning area.
- A description of public education strategies.
- Other requirements as specified in 567—Chapter 119.

2. For lead-acid batteries, the examination shall also include a description of public education strategies, as detailed in 101.5(5)“b”(1).

3. For white goods, the examination shall also include a methodology for recycling the metal they contain. If capacitors are removed from white goods at a sanitary disposal project, the materials must be handled in accordance with 567—Chapter 118.

4. For waste tires, the examination shall also include:

- The number and geographic distribution of waste tires generated and existing in the planning area, including identification of stockpiles containing over 1,000 waste tires.
- The identification of any management methods for waste tires in the planning area.
- If a sanitary disposal project in the planning area accepts tires, then the plan must include a methodology for processing the tires in a manner established by the department.

(4) Detailed descriptions of programs developed to encourage backyard composting of yard waste, to investigate the feasibility of central composting facilities that will, at a minimum, include yard waste composting, and to investigate the use of land application of yard waste or the use of yard waste as a soil conditioning material. These programs must include public education elements as detailed in 101.5(5)“b”(2) and identification of markets or outlets for any compost generated at a central composting facility. In addition, any compost generated at a centralized facility must be produced in accordance with standards established by the department.

(5) Investigation of market potential for energy recovery from waste incineration. If incineration for energy recovery or volume reduction is an alternative, then the plan must include methodologies for the separation of recyclable and reusable materials, materials which result in uncontrolled toxic or hazardous air emissions when burned, and hazardous or toxic materials which are not rendered non-hazardous or nontoxic by incineration. Separation of waste includes, but is not limited to, magnetic separation. The removed materials shall be recycled, reused or treated and disposed of in a manner that is consistent with the waste management hierarchy as described in subrule 101.5(5).

(6) Description of expected environmental impacts from the alternative waste management systems including any negative impacts on water, groundwater, air quality, plant life, animal life, and human health.

(7) All new sanitary landfills or expansions that require a new permit or a permit amendment shall include:

1. A comprehensive listing of plant and animal species. In preparing the listing the permit applicant shall contact the department's preserves and ecological services bureau with a request to search its records to determine the presence of or habitat for any threatened or endangered species or communities and any forests, prairies or wetlands. In the event that the department's preserves and ecological services bureau does not contain records of rare species or community but their presence is suspected, the permit applicant may be required to conduct an approved site survey.

2. A determination of the presence of and assessment of the impact on any archaeological, historical, or architecturally significant properties on the proposed site. To assess the impact, the permit applicant must consult with the historic preservation bureau of the Iowa state historical society.

3. Transferred to 567—paragraph 110.3(1)“d,” IAB 6/10/92.

(8) Inclusion of established and anticipated regulatory requirements regarding the future siting, operation, closure and postclosure of solid waste facilities, and

(9) Completion of the cost analysis worksheets contained in the “Guidelines for Solid Waste Comprehensive Plans, Part I: Waste Management Alternatives.” This document is available upon request from the department. Refer to “Guidelines for Solid Waste Comprehensive Plans, Part I: Waste Management Alternatives” for the comprehensive planning requirements that apply to composting, recycling, processing, and medical waste incineration facilities. Because these operations are specialized, some requirements contained in these rules may not apply to these operations.

**101.5(6) Plan review.** A plan submitted according to rule 101.5(455B,455D) shall be reviewed by the department for its accuracy, completeness, and appropriateness of baseline data and alternatives analysis, for the environmental and economic feasibility of selected waste management systems, for the plan’s adherence to the state’s waste management hierarchy, for compliance with statutory deadlines, and for the agency’s commitment to public education and adequate financing. The director may reject, suggest modification, or approve a plan based upon these criteria.

**101.5(7) Subsequent plans.** After the initial plan has been approved, all subsequent plans must include all elements in rule 101.5(455B,455D) and a thorough evaluation of progress toward meeting the state volume reduction and recycling goals as detailed in subrule 101.5(2). The solid waste abatement table included in the “Guidelines for Solid Waste Comprehensive Plans, Part I: Waste Management Alternatives” shall be used for this evaluation of progress.

*a.* Interim plan modifications: If a new facility requests to be included in a planning area after completion of a plan but before a subsequent plan is due, and the planning area agrees to include the facility, the following procedure is required:

(1) A letter is submitted to the department by the facility operator describing the facility’s operation and the amount of waste to be managed.

(2) A letter is submitted to the department by the planning area’s responsible agency agreeing to accept the facility in its planning area and stating how the facility will affect the planning area’s waste stream.

(3) The subsequent plan submitted by the planning area will include the facility.

*b.* Plan renewal: The submission schedule for subsequent Comprehensive Solid Waste Plans, Part I, submitted by cities, counties or facilities managing solid waste removes the direct schedule correlation to the three-year permit renewal schedule for plans referenced in 101.5(7)“b”(2).

(1) Permittees may be allowed to renew the permit on the permit renewal date providing that the Solid Waste Comprehensive Plan, Part I, will be submitted according to the schedule in 101.5(7)“b”(2). Should the permittee fail to participate in an approvable plan by the date specified in 101.5(7)“b”(2), administrative actions by the department will be implemented to ensure compliance or to terminate operations.

(2) The following schedule change is shown through the third revision. Subsequent plans following the third revision scheduled below will continue to be due in the designated intervals. For the purposes of this schedule, “county” is considered as a territorial whole limited to Iowa cities, towns, villages, rural and unincorporated areas. Out-of-state cities, towns, villages, rural and unincorporated areas shall not be counted as “counties” for the purposes of this schedule.

<u>Group</u>	<u>Number of Counties</u>	<u>First*</u> <u>Revision</u>	<u>Second*</u> <u>Revision</u>	<u>Third*</u> <u>Revision</u>
1	One or fewer	7/1/92	7/1/95	7/1/98
2	Two - three	1/1/93	1/1/96	1/1/99
3	Four - five	7/1/93	7/1/96	7/1/99
4	Six or more	1/1/94	1/1/97	1/1/2000

\*See text above

c. Subsequent Solid Waste Comprehensive Plans, Part I, submitted for infectious waste treatment or disposal facilities, and waste generated by private companies that are permitted to manage their own waste are required at the time of permit renewal. For the purposes of this subrule, private companies are defined as those companies with waste treatment or disposal facilities limited to specific waste generated by that company.

**101.5(8) Failure to meet the 25 percent waste volume reduction and recycling goal.**

a. *General requirements.* If at any time the department determines that a planning area has failed to meet the 25 percent waste volume reduction and recycling goal, the planning area shall, at a minimum, implement the solid waste management techniques listed in Iowa Code subsection 455D.3(4). Evidence of implementation of the solid waste management techniques shall be documented in subsequent comprehensive plans submitted to the department.

b. *Public notification.* The required solid waste management techniques include notification of the public served by the planning area of the area's failure to meet the 25 percent waste volume reduction and recycling goal.

(1) The planning area shall notify the public using the following standard language:

PUBLIC NOTIFICATION

(insert NAME OF SOLID WASTE PLANNING AREA)

The Iowa General Assembly mandated that the amount of waste landfilled as of July 1, 1988, be reduced by 25 percent by July 1, 1994, and by 50 percent by July 1, 2000, through source reduction and recycling activities.

The (insert name of the solid waste planning area) did not meet the state's 25 percent waste reduction and recycling goal and is now required to implement a number of waste management techniques.

Because the (insert name of solid waste planning area) did not meet the 25 percent goal, landfill users will pay 50 cents per ton in addition to the state solid waste fee of \$4.25 per ton of material landfilled. This additional fee will be applied until the (insert name of solid waste planning area) demonstrates it has attained the goal. In contrast, those planning areas meeting the goal subtract 50 cents per ton from the state solid waste fee.

The (insert name of solid waste planning area) must also do the following:

Develop draft ordinances to be used by local governments for establishing fees that are based on volume or on the number of containers used for disposal by residents;

Conduct an educational and promotional program to inform citizens of the manner and benefits of reducing, reusing, and recycling materials and the procurement of products made with recycled content. The program will include:

Targeted waste reduction and recycling education for residents, including multifamily dwelling complexes having five or more units;

An intensive one-day seminar for the commercial sector regarding the benefits of and opportunities for waste reduction and recycling;

Promotion of recycling through targeted community and media events;

Recycling notification and education packets to all new residential, commercial, and institutional collection service customers that include, at a minimum, the manner of preparation of materials for collection, and the reasons for separation of materials for recycling.

Everyone - businesses, industries, schools, governments, and citizens - must work together to reduce the amount of valuable resources being landfilled.

To find out how you can help to reduce waste and to participate in the activities listed above, please contact (insert name of contact person) at (insert number of contact person).

The (insert name of the solid waste planning area) includes (insert names of participating local governments - cities and counties).

(2) The planning area shall notify the public using the following procedures:

Publication of the notice in not less than a one-quarter page format in a daily newspaper(s) of general circulation in each county within the planning area as soon as possible, but in no case later than 60 days after formal adoption of this rule, or within 60 days from the date the department notifies the planning area that it has failed to meet the 25 percent waste volume reduction and recycling goal.

If counties served by the planning area are not served by a daily newspaper(s) of general circulation, notice shall instead be given by publication in a weekly newspaper(s) of general circulation in each county within the planning area.

Copies of the public notice shall also be mailed with a news release to all television and radio stations with coverage in the planning area as soon as possible, but in no case later than 60 days after formal adoption of this rule, or within 60 days from the date the department notifies the planning area that it has failed to meet the 25 percent waste volume reduction and recycling goal.

(3) The planning area shall submit to the department, within 30 days from the date of publication of the public notice, proof of publication from the newspaper(s) used to satisfy this requirement.

The planning area shall also submit to the department, within 30 days from the date of mailing, the public notice and news release, a copy of the news release and a list of the television and radio stations that were mailed the public notice and news release.

This rule is intended to implement Iowa Code sections 455B.304 and 455B.306 and Iowa Code chapter 455D.

#### **567—101.6(455B) Contracts with permitted agencies.**

**101.6(1)** Every city, county, and other public agency which complies with the requirements of Iowa Code chapter 455B for the disposal of solid waste by means of a contract with an agency holding a sanitary disposal project permit or by means of a contract with a hauler who has a contract with an agency holding a sanitary disposal project permit shall submit to the department a photostatic copy of that executed contract. All such agencies shall have on file at the department at all times a valid contract. When the term of the contract expires, a renewal of the contract or a new contract shall be submitted.

**101.6(2)** All public agencies which contract with a hauler to comply with the requirements of part 1 of division IV of chapter 455B shall include as terms of that contract that all solid waste collected by the hauler for that agency shall be disposed of or deposited at a sanitary disposal project permitted by the department, or otherwise managed in accordance with the rules of the department.

**567—101.7(455B) Disruption and excavation of sanitary landfills or closed dumps.** No persons shall excavate, disrupt, or remove any deposited material from any active or discontinued sanitary landfill or closed dump without having first notified the department in writing.



**101.7(1)** Notification shall include an operational plan stating the area involved, lines and grades defining limits of excavation, estimated number of cubic yards of material to be excavated, sanitary disposal project where excavated material is to be disposed and estimated time required for excavation procedures.

**101.7(2)** An excavation shall be confined to an area consistent with the number of pieces of digging equipment and trucks used for haulage.

**101.7(3)** Adequate measures shall be taken during excavation to control dust, odors, fires, rodents, insects, and blowing litter.

**101.7(4)** The disposal of all solid waste resulting from excavation shall be in conformity with Iowa Code chapter 455B and these rules.

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\*Rules 101.4 and 101.7 rescinded, rules 101.5, 101.6 and 101.8 renumbered as 101.4 to 101.6, IAB 9/12/84.